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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAY AREA PAINTERS AND TAPERS
PENSION TRUST FUND, et al.

Plaintiffs,

v.

N.J. KANN PAINTING, INC., a California
corporation,

Defendant.

Case No.: C12-5542 CW

**PLAINTIFFS' REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE; and
~~PROPOSED~~ ORDER THEREON**

Date: Wednesday, April 3, 2013

Time: 2:00 p.m.

Ctrm: 2, 4th Floor

1301 Clay Street

Oakland, CA

Judge: The Honorable Claudia Wilken

Plaintiffs respectfully request that the Case Management Conference scheduled for April 3, 2013, at 2:00 p.m., be continued for approximately sixty (60) days, as follows:

1. As the Court's records will reflect, this action was filed on October 29, 2012 to compel Defendant to comply with the terms of its Collective Bargaining Agreement. Service on Defendant was completed on October 30, 2012. A Proof of Service of Summons was filed with the Court on November 6, 2012. [*Docket No. 12.*]

2. On or about December 20, 2012, Plaintiffs were contacted by Defendant's counsel requesting an informal resolution. Plaintiffs have extended Defendant's time to file an Answer, to provide Plaintiffs time to work with the fund administrator to confirm the total amount owed by Defendant.

3. The parties anticipate that Defendant will enter into a payment plan to satisfy all

REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE

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1 amounts due, or in the alternative, Defendant can submit a lump sum payment.

2 4. Plaintiffs' administrator determined that reports of certain months of work by
3 Defendant were missing; Defendant has now provided those reports. The parties are awaiting the
4 administrator's confirmation of payments made on those reports, and the final amounts remaining
5 due from Defendant. Those amounts will then be included in the form of Stipulation already
6 reviewed by Defendant's counsel.

7 5. Therefore, Plaintiffs respectfully request that the Case Management Conference be
8 continued for approximately sixty (60) days in order to allow both parties sufficient time to
9 confirm the amounts due and the terms of payment.

10 6. There are no issues that need to be addressed by this Court at the currently
11 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's
12 time and resources, the parties respectfully request that the Court continue the currently scheduled
13 Case Management Conference.

14 7. Plaintiffs recognize that a case management conference statement is due seven days
15 in advance of the case management conference date and that the statement must include all
16 elements requested in the "Standing Order for All Judges of the Northern District of California –
17 Contents of Joint Case Management Statement" pursuant to Local Rule 16-9. Should this Court
18 require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

19 Dated: March 26, 2013

**SALTZMAN & JOHNSON
LAW CORPORATION**

20 By: _____ /s/

21 Muriel B. Kaplan
22 Attorneys for Plaintiffs

23 IT IS SO ORDERED.

24 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
25 Management Conference is hereby continued to June 5, 2013, and all related deadlines are
extended accordingly.

26 Date: 3/28/2013

27 
28 THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT